

REMARKS

Claims 1-2, 4, 6-11, 14-16, 18-21 and 25-38 are present in the application. In view of the remarks which follow, reconsideration is respectfully requested.

Allowed Claims

Noted with appreciation is the indication in the Office Action that Claims 10, 20 and 25-36 have been allowed.

Also noted with appreciation is the indication in the Office Action that Claims 37 and 38 are directed to allowable subject matter, and would be allowed if rewritten in independent form. Claims 37 and 38 respectively depend from independent Claim 1 and independent Claim 15. Claims 1 and 15 are believed to be allowable, for reasons discussed later. Accordingly, it is believed to be unnecessary to separately place Claims 37 and 38 in independent form at this time.

Corrected Formal Drawings

The Office Action Summary Sheet (Form PTO-326) indicates in Box 11 that Applicants' proposed drawing correction have been approved, and that corrected drawings are required in reply to the Office Action. Accordingly, Applicants are enclosing corrected formal drawing sheets 3 and 5, which include the changes to Figures 9 and 13 that were proposed by Applicants and approved by the Examiner.

Independent Claim 1

The Office Action rejected Claim 1 under 35 U.S.C. §103, based on an assertion that Claim 1 would be obvious in view of a combination of teachings from (1) prior art

disclosed in the present application and (2) Randall U.S. Patent No. 6,100,477. Applicants' last Response pointed out that the portion of the present application used for the §103 rejection has not been established by the Examiner to be "prior art" for purposes of §103. In reply, the present Office Action asserts that comparable structure is disclosed in the Randall patent. In other words, the §103 rejection of Claim 1 in the present Office Action is effectively based entirely on the Randall patent. Applicants respectfully traverse this §103 rejection, for the following reasons.

Claim 1 recites a membrane which has first and second ends that are respectively supported at spaced first and second locations on a base section, and which has spaced first and second sections that each serve as resilient structure capable of yieldably varying in size in a direction lengthwise of the membrane. In addition, Claim 1 recites that the membrane has:

outer portions that each extend a selected distance outwardly from a respective one of said first and second sections to a respective one of said first and second locations in a direction approximately normal to a direction of movement of said conductive portion, said outer portions each being free of physical coupling to said base section except at a respective one of said first and second locations.

The Examiner asserts that all of this structure from Claim 1, including the recited "outer portions", is present in the embodiment shown in Figure 3 of the Randall patent. In this regard, the Examiner notes that Figure 3 of Randall discloses a membrane 34 having two spaced sections 36 which each have a degree of resilience, and also notes that one end of the membrane 34 has an end section 44 which extends outwardly from one of the resilient sections 36. The Examiner then asserts that the end section 44 of Randall is comparable to the "outer portions" recited in Claim 1. However, this assertion is respectfully traversed.

As noted above, Claim 1 recites outer portions that each extend from one of the resilient sections to one of the first and second locations (where the membrane is supported on the base section). Claim 1 emphasizes that each of the outer portions is "free of physical coupling to said base section except at a respective one of said first and second locations". In contrast, and as recognized in the Office Action, the end section 44 of Randall's membrane 34 is coupled to the base section 28 along its entire length. Thus, although Randall's end section 44 does extend outwardly from the resilient section 36, it does not meet the requirement of Claim 1 that it be free from physical coupling to the base section except at a location which is spaced a selected distance outwardly from the resilient section. In effect, each of the resilient sections 36 of Randall has its outer end directly fixedly coupled to the base section 28, and thus serves for all practical purposes as a respective outer end of the membrane 34. Consequently, Randall's membrane 34 has no

structure at either end which is even remotely comparable to the "outer portions" recited in Applicants' Claim 1.

The membrane of Applicants' Claim 1 is functionally superior to the membrane disclosed in Figure 3 of Randall, due to the recited "outer portions". For example, as discussed in more detail in the remarks of Applicants' last Response, the presence of the outer portions causes Applicants' membrane to have less droop at higher temperatures than would be the case if the "outer portions" were omitted and the resilient sections of the membrane were directly fixedly coupled to the base section (as is the case in Figure 3 of Randall).

Summarizing, the Examiner asserts in the §103 rejection that the Randall patent teaches structure comparable to the "outer portions" recited in Applicants' Claim 1, but it is respectfully submitted that Randall fails to disclose any structure which is even remotely comparable to the "outer portions" in Applicants' Claim 1. The Office Action does not assert that it would be obvious to modify Randall to add structure which is comparable to the "outer portions" recited in Claim 1, much less offer the required rationale regarding why a person skilled in the art would be motivated to make such a modification. For these reasons, it is respectfully submitted that the subject matter which is expressly recited in Applicants' Claim 1 is not rendered obvious under §103 by the Randall patent. Claim 1 is therefore believed to be allowable, and notice to that effect is respectfully requested.

Independent Claim 15

Independent Claim 15 is a method claim, and is subject to a rejection under 35 U.S.C. §103 that is effectively the same as the rejection applied to apparatus Claim 1. Claim 15 includes distinctive limitations which are similar to the limitations discussed above in association with Claim 1, including the step of:

configuring said membrane to include outer portions that each extend a selected distance outwardly from a respective one of said first and second sections to a respective one of said first and second locations and that are each free of physical coupling to said base section except at a respective one of said first and second locations.

Therefore, for reasons similar to those discussed above in association with Claim 1, it is respectfully submitted Claim 15 is not obvious under §103 in view of Randall. Claim 15 is therefore believed to be allowable, and notice to that effect is respectfully requested.

Dependent Claims

Claims 2, 4, 6-9, 11 and 14 and Claims 16, 18-19 and 21 respectively depend from Claim 1 and Claim 15, and are also believed to be allowable over the art of record, for example for the same reasons discussed above with respect to Claims 1 and 15.

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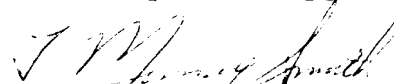
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Conclusion

Based on the foregoing, it is respectfully submitted that all of the pending claims are fully allowable, and favorable reconsideration of this application is therefore respectfully requested. If the Examiner believes that examination of the present application may be advanced in any way by a telephone conference, the Examiner is invited to telephone the undersigned attorney at (214) 953-6684.

Respectfully submitted,
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Enclosures: Corrected Formal Drawing Sheets 3 and 5
Acknowledgment Post Card